IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)				
	Plaintiff,) 8:11CR361)		
	vs.) DETENTION ORDER		
TΑ	MMY MENDOZA,))		
	Defendant.	\		
A.	Order For Detention After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on October 31, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	The Court's findings are based on the evidence which was presented in court and contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: a conspiracy to distribute and possess with intent to distribute methamphetamine (Count I) in violation of 21 U.S.C. § 846 and the distribution of methamphetamine (Count IV) in violation of 21 U.S.C. § 841(a)(1) each carry a minimum sentence of five years imprisonment and a maximum of forty years imprisonment; the distribution of methamphetamine (Counts II and III) in violation of 21 U.S.C. § 841(a)(1) each carry a maximum sentence of twenty years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances, to wit: (2) The weight of the evidence against the defendant is high. X (3) The history and characteristics of the defendant including:			
	may affect wheth The defendant hat X The defendant hat X The defendant hat The defendant is The defendant of ties. Past conduct of to X The defendant hat The defendant hat The defendant hat The defendant hat	opears to have a mental condition which er the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community oes not have any significant community he defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record.		

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	X The defendant has a prior reco	ord of failure to appear at
(h)	court proceedings. At the time of the current arrest, the defe	andant was on:
(b)	Probation	fildant was on.
	Parole	
	Release pending trial, sentence	e, appeal or completion of
	sentence.	
(c)	Other Factors:	
	The defendant is an illegal	alien and is subject to
	deportation.	
	The defendant is a legal alie	en and will be subject to
	deportation if convicted. The Bureau of Immigration a	nd Custom Enforcement
	(BICE) has placed a detainer wi	
	X Other: outstanding arrest warran	
		no in Bodgido Codiny.
X (4) The nature and seriousness of the danger posed by the defendant's		
	e are as follows: The nature of the charge	
defend	ant's substance abuse and criminal histo	ory.
(=) =		
X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied		
	following rebuttable presumption(s) c	
31426) which the Court finds the defendant ha	as not rehutted:
	That no condition or combination of c	
<u> </u>	assure the appearance of the defendant	
	of any other person and the community be	
	the crime involves:	
	(1) A crime of violence; or	
	(2) An offense for which the	maximum penalty is life
	imprisonment or death; or	
	X (3) A controlled substance viola	
	penalty of 10 years or more	
	(4) A felony after the defendant or more prior offenses des	
	above, and the defendant	
	one of the crimes mentione	
	which is less than five ye	ears old and which was
	committed while the defenda	
X (b)	That no condition or combination of c	
	assure the appearance of the defendant	
	of the community because the Court fir	nds that there is probable
	cause to believe:	
	X (1) That the defendant has	
	substance violation which h	ias a maximum penaity of
	10 years or more. (2) That the defendant has con	omitted an offense under 19
	U.S.C. § 924(c) (uses or ca	
	in relation to any crime of vic	
	violence, which provides for	
	if committed by the use of	
	weapon or device).	,

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D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
- That, on order of a court of the United States, or on request of an attorney
 for the government, the person in charge of the corrections facility in which
 the defendant is confined deliver the defendant to a United States Marshal
 for the purpose of an appearance in connection with a court proceeding;
 and
- 4. Pretrial Services shall obtain a dual diagnosis evaluation (substance abuse and mental health) and provide a copy of the report to the court and counsel. Thereafter, any counsel may file a motion to review the order of detention.

DATED: October 31, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge